

FILED

2019 AUG 20 PM 1:50

M. L. HATCHER, CLK
U.S. BANKRUPTCY COURT
W.D. OF WA AT SEATTLE
BY: _____ DEP. CLK.

OSCAR LEE OLIVE, IV. (Plaintiff)
101 N Ocean Drive, Suite 132
Hollywood, FL 33019
(850) 319-9023
oscar.l.olive@gmail.com
Plaintiff, In Pro Per

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON – SEATTLE DIVISION**

In re:

Hayley Marie Robinson

Debtor

OSCAR LEE OLIVE, IV.

Plaintiff,

vs.

**HAYLEY MARIE ROBINSON, an individual
Defendant**

Case. No: 2:19-bk-11724-MLB

Adv. No.

Hon: Marc Barreca

Chapter 7

**PLAINTIFF'S COMPLAINT TO
DETERMINE DISCHARGEABILITY
PURSUANT TO 11 U.S.C. § 523(a)(6); and for
DENIAL OF DISCHARGE.**

Status Conference:

Date: To Be Set by Summons

Time: To Be Set by Summons

Location: United States Bankruptcy Court
Courtroom 7106
700 Stewart St. 7th Floor
Seattle, Washington 98101

**TO THE HONORABLE MARC BARRECA, FEDERAL BANKRUPTCY JUDGE, AND TO
DEBTOR HAYLEY MARIE ROBINSON AND HER ATTORNEY OF RECORD, AND TO
ALL INTERESTED PARTIES:**

1 Plaintiff and Creditor OSCAR LEE OLIVE, IV. (hereinafter "OLIVE") as an unsecured
2 creditor to the bankruptcy estate of HAYLEY MARIE ROBINSON (hereinafter "ROBINSON") case
3 No. 2:19-bk-11724-MLB holding an unsecured and contingent debt in the amount of \$1,500,000.00 as
4 set forth in ROBINSON'S petition, Section 4.2, respectfully represents and alleges with his Complaint
5 seeking non-discharge of Debtor ROBINSON's debt owed to Plaintiff OLIVE pursuant to 11 U.S.C.
6 § 523(a)(6) as follows:

7 JURISDICTION AND VENUE

8 1. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 151,
9 157, and 1334, 11 U.S.C. § 105, and 11 U.S.C. § 523, and Local Rules and Orders of the United States
10 Bankruptcy Court for the Western District of Washington governing the reference and conduct of
11 proceedings arising under or related to cases under Title 11 of the United States Code.

12 2. This adversary proceeding is a core proceeding under 28 U.S.C. § 157.

13 3. Venue is proper in this Court under 28 U.S.C. § 1409(a) as this adversary proceeding arises
14 under and in connection with a case under Title 11 which is pending in this district.

15 4. This Adversary Proceeding arises out of and relates to the Chapter 7 bankruptcy case of *In*
16 *re Hayley Marie Robinson*, Case No. 2:19-bk-11724-MLB, on the docket of this Court. The
17 Debtor/Defendant's bankruptcy case was commenced by the filing of a Voluntary Petition for Relief
18 under Chapter 7 of Title 11 of the United States Bankruptcy Code, on May 7, 2019.

19 5. Plaintiff is an unsecured creditor with a claim against the Debtor's Bankruptcy Estate in an
20 amount of at least \$1,500,000.00 as set forth in the Debtor's Petition (Section 4.2) relating to a willful
21 and malicious injury currently subject to adjudication in the United States District Court for the
22 Western District of Washington at Seattle, Case No. 2:18-CV-00862-BAT (*OSCAR LEE OLIVE, IV v.*
23 *HAYLEY MARIE ROBINSON, et al*) (the "District Court Action"). This matter was stayed as to
24 Defendant ROBINSON only due to the filing of her bankruptcy petition. OLIVE will seek relief from
25 the Section 362 Stay within the month as an Order of Default was entered by the District Court for
26 Robinson's co-defendant's failure to comply with the District Court's discovery orders.

27 6. The Debtor Defendant's mailing address from the Court's Docket is: Ms. Hayley Marie
28 Robinson 487 Westerly Road #102 Bellingham, WA 98226

1 **STATEMENT OF STANDING.**

2 7. The Plaintiff, as a creditor of the Debtor's bankruptcy estate, has standing to prosecute this
3 Adversary Proceeding under 11 U.S.C. § 523 *et seq.*

4 **GENERAL ALLEGATIONS.**

5 8. Plaintiff OLIVE is informed and thereon believes and alleges the following facts to justify
6 that his claim of approximately \$1,500,000.00 not including additional costs, attorneys' fees and any
7 and all pre-petition interest, against the Debtor/Defendant ROBINSON that may apply, shall be
8 deemed non-dischargeable under Section 523(a)(6) of the Bankruptcy Code.

9 **FACTUAL ALLEGATIONS.**

10 9. Plaintiff OLIVE, is an individual currently living in Broward County, Florida ("OLIVE").
11 During the events relevant to this Complaint, Plaintiff was a resident at 3355 Southern Ave., Suitland,
12 Maryland 20746 in Prince George's County.

13 10. Defendant Hayley Marie Robison ("ROBINSON") is an individual residing in Whatcom
14 County at 487 Westerly Rd #102, Bellingham, WA 98226.

15 11. Justus Kepel ("Kepel") is an individual residing in Snohomish County at 5104 93rd Pl SW,
16 Mukilteo, Washington 98275.

17 12. Kiersten Alexandra Klag ("Klag") is a resident of Westchester, West Virginia.

18 13. The true names and capacities of DOES 1 through 20 are presently unknown to Plaintiff
19 and when they become known, Plaintiff will amend this Complaint by identifying the true names and
20 capacities of the Doe defendants herein sued as fictitious Doe defendants; Plaintiff is informed and
21 believes and on such information and belief alleges that each of said Defendants is responsible to
22 Plaintiff in some actionable manner as set forth herein.

23 14. On or around June 1, 2016 Plaintiff paid for Defendant ROBINSON and her boyfriend,
24 Kepel, to travel to Suitland, Maryland, to work a modeling photo shoot pursuant to a written agreement
25 entered into between Plaintiff and Robinson in or about May 2016.

26 15. On or around July 3, 2016 Plaintiff, and Defendant ROBINSON and Kepel, were at
27 Plaintiff's Maryland residence with another model, Klag. While at Plaintiff's house/home studio
28 Robinson and Kepel demanded that Plaintiff pay them more money for the modeling photo shoot.

1 Plaintiff declined. Defendant ROBINSON and Kepel grew angry when Plaintiff informed them, that
2 pursuant to their agreement, all costs, including the costs paid by Plaintiff for the Defendants' airline
3 tickets, would be deducted from Robinson's pay. Defendant ROBINSON and Kepel stated they
4 "would get even" with Plaintiff and intended to cause him personal harm. Defendants demands
5 continued through July 6, 2016.

6 16. On or around July 11, 2016, in retaliation for Plaintiff not giving ROBINSON more money,
7 additional professional services and a better contract, Defendant ROBINSON falsely stated on
8 Facebook that Plaintiff had sexually assaulted Klag on the night of July 3, 2016. Defendant Robinson
9 also made false factual statements that Plaintiff had engaged in theft, stealing money from the models.
10 Defendant ROBINSON and Kepel knew the statements made against Plaintiff were false as they were
11 present at all times during the night of July 3, 2016 and would later admit they knowingly fabricated
12 their statements and campaign intending to injure Plaintiff personally. ROBINSON had stated she
13 intended to cause Plaintiff OLIVE personal harm on websites and other social media.

14 17. On or around July 5, 2016 through August 30, 2016 Defendant ROBINSON and Kepel
15 continued their campaign to extort money and/or services and a more lucrative contract from Plaintiff.
16 Defendants stated they were publishing the false factual statements against Plaintiff to extort more
17 money, services and a new modeling contract. However, Plaintiff refused to give in to Defendant
18 Robinson's demands.

19 18. During this period, on or about July 5, 2016 through August 2016, Kepel aided and abetted
20 Defendant Robinson by allowing Robinson to use his Facebook account as Robinson's account had
21 been shut down by Facebook over her postings, to assist Robinson and republishing Robinson's known
22 defamatory postings. Defendant Kepel knew his girlfriend's, Robinson's, statements were false, yet
23 Kepel gave substantial assistance and/or encouraged Robinson to engage in making false factual
24 statements concerning Plaintiff personally and against him professionally.

25 19. On or around November 1, 2016, Robinson admitted she had intentionally lied and
26 misinformed third parties that she had made the false factual statements against Plaintiff in his personal
27 and professional capacity intentionally to cause OLIVE personal and professional injury.

28 20. On or about November 2, 2016, ROBINSON again on admitted on Facebook that her

1 published statements of and concerning Plaintiff and the false claims of sexual misconduct and theft
2 were intended to injure Plaintiff OLIVE.

3 21. Defendant ROBINSON posted written and video nine times on various social media
4 platforms accusing OLIVE of sexual assault, being a pervert, sexual predator, and manipulator along
5 with other outrageous terms, intending to injury OLIVE.

6 22. ROBINSON'S postings were admittedly intended to expose Plaintiff to hatred, contempt,
7 ridicule or obloquy, to deprive him of the benefit of public confidence or social intercourse, or to injure
8 him personally and professionally.

9 23. ROBINSON'S outrageous conduct and false factual statements were viewed by hundreds
10 of individuals, many in the photography and modeling business in which Plaintiff had established a
11 substantial business and secondary income and career. Defendant ROBINSON'S posting was seen by
12 Plaintiff's clients and his employer, which caused Plaintiff's termination. Plaintiff's termination caused
13 him to suffer a loss of income, pension, benefits, and loss of future income. Plaintiff's business also
14 suffered financially as the direct result of Defendants' false factual statements against Plaintiff. As the
15 result of Defendant ROBINSON and Kepel's malicious actions Plaintiff has suffered damages
16 exceeding \$1,000,000.00.

17 24. At all times, ROBINSON'S conduct was extreme and outrageous, using Facebook as a
18 vehicle to extort money and/or services from Plaintiff under threat of making false statement of sexual
19 misconduct and theft, for Defendants' personal financial gain, and to injure Plaintiff emotionally and
20 professionally. Defendants' conduct was so extreme, as it exceeded the bounds of decency, and found
21 to be to be regarded as atrocious, and utterly intolerable in a civilized community.

22 25. Defendants' actions were outrageous and extreme and caused Plaintiff extreme emotional
23 distress. Plaintiff suffers from depression, fear, nausea, panic attacks, and found to have physical
24 manifestations in his internal organs such as his liver, as the direct and proximate result of Defendants'
25 outrageous conduct. Plaintiff now requires the use of an emotional support animal for the rest of his
26 life as recommended by his therapist.

27 26. At all times the aforementioned conduct of Debtor/Defendant ROBINSON was willful and
28 malicious, committed with malice, fraud, and oppression.

FIRST CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTION DISTRESS
(Denial of Discharge – Willful and Malicious Injury Against
Defendant ROBINSON and Doe Defendants)
[11 U.S.C. § 523(a)(6)]

27. Plaintiff hereby incorporates, incorporates and re-alleges paragraphs 1-26 as set forth above.

28. Defendant's ROBINSON'S acts of engaging in conduct including making false public statements of known false facts against Plaintiff concerning sexual misconduct and theft, intended to extort Plaintiff and intended to cause OLIVE personal injury, was extreme and outrageous. Said conduct was expressly made to "destroy" OLIVE'S personal life and career. Such extortion went beyond mere indignancies and were admittedly intended to cause physical and mental anguish.

29. Defendant ROBINSON'S conduct was intended to cause Plaintiff personal injury by and through, not limited to, severe emotional distress.

30. As the direct and proximate result of Defendant ROBINSON'S conduct Plaintiff suffers from extreme emotional distress. Plaintiff suffers from depression, fear, nausea, panic attacks, and found to have physical manifestations in his internal organs such as his liver, as the direct and proximate result of Defendants' outrageous conduct. Plaintiff now requires the use of an emotional support animal for the rest of his life as recommended by his therapist.

31. As the direct and actual result of Defendant ROBINSON'S conduct Plaintiff suffers from extreme emotional distress. Plaintiff suffers from depression, fear, nausea, panic attacks, and found to have physical manifestations in his internal organs such as his liver, as the direct and proximate result of Defendants' outrageous conduct. Plaintiff now requires the use of an emotional support animal for the rest of his life as recommended by his therapist. Plaintiff OLIVE has already incurred substantial medical bills caused by ROBINSON'S admitted willful and malicious conduct intended to destroy OLIVE'S life.

32. As a result of Defendant ROBINSON'S aforementioned conduct, Plaintiff has been damaged in an amount in excess of \$1,000,000.00 inclusive of compensatory damages, attorney fees

1 and costs, and state based interest calculated at 10% per annum.

2 33. Pursuant to U.S.C. § 523(a)(6), the Court shall except from the Debtor/Defendant discharge
3 any debt:

4 (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not
5 discharge an individual debtor from any debt—

6 (6) for willful and malicious injury by the debtor to another entity or to the property of
7 another entity;

8
9 34. Plaintiff is informed and thereon believes that as a result of the willful and malicious
10 conduct committed by Debtor/Defendant ROBINSON upon Plaintiff OLIVE, said damages caused by
11 Debtor/Defendant ROBINSON approximating \$1,500,000.00 (Declared by Debtor in Section 4.2 of
12 her Petition) inclusive of compensatory, and state based interest calculated at 10% per annum, should
13 be declared exempted from discharge under 11 U.S.C. § 523(a)(6).

14 **WHEREFORE**, Plaintiff OSCAR prays for judgment under Section 523(a)(6) of the Bankruptcy
15 Code against Debtor/Defendant ROBINSON as follows:

16
17 **ON THE FIRST CAUSE OF ACTION**

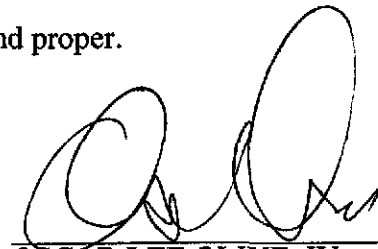
18 35. That Plaintiff OLIVE claims that total in the amount of \$1,500,000.00 against
19 Debtor/Defendant ROBINSON and in favor of Plaintiff set forth in Section 4/2 of the Debtor's Petition
20 be deemed non-dischargeable under Section 523(a)(6) of the Bankruptcy Code, for committing a
21 willful and malicious injury against Plaintiff as set forth above.

22 36. For all fees and costs as provided under the law; and

23 37. For all further relief and the Court deems just and proper.

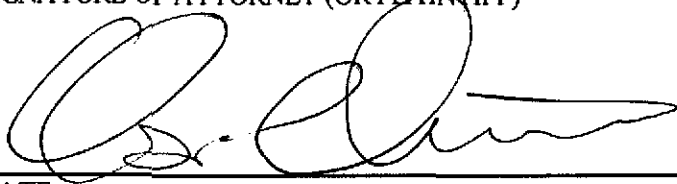
24
25
26 Dated: August 15, 2019

By:



OSCAR LEE OLIVE, IV.
Plaintiff/Creditor
In Pro Per

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS OSCAR LEE OLIVE, IV.	DEFENDANTS HAYLEY MARIE ROBINSON	
ATTORNEYS (Firm Name, Address, and Telephone No.) Oscar Lee Olive, IV. In Pro Per 101 N. Ocean Dr. Ste 132. Hollywood, FL 33019	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Intentional infliction of emotional distress caused by Debtor. Plaintiff seeks nondischarge under 11 USC 523(a)(6) of Debt declared by Debtor in her Petition Section 4.2		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et. seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input checked="" type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$	
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR HAYLEY MARIE ROBINSON		BANKRUPTCY CASE NO. 2:19-bk-11724-MLB
DISTRICT IN WHICH CASE IS PENDING WESTERN DISTRICT OF WASHINGTON	DIVISION OFFICE SEATTLE DIVISION	NAME OF JUDGE Hon. Marc Barreca
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE 08/15/2019		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Oscar Lee Olive, IV.

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.